

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Franchot Persaud**

Case No.: **15-26707**

Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original

☒ Modified/Notice Required

Date: _____

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney dw

Initial Debtor: F P

Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay 558.00 Monthly* to the Chapter 13 Trustee, starting on ____ for approximately 41 months.

- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property:
Description:
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
None		

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
- ☒ None
 - ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Cenalr	86 Howard St, Irvington, NJ	33,000.00	0.00	33,000.00	0.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ■ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan □ NONE

The following secured claims are unaffected by the Plan:

Creditor

NJ Housing & Mortgage Finance Agency
Progressive Credit Union

g. Secured Claims to be Paid in Full Through the Plan □ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
Kristina Murtha Esq		0.00

Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ ___ to be distributed *pro rata*

☐ Not less than ___ percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f). ■ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Kristina Murtha Esq		0.00	0.00	None	0.00	0.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C.

Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: **5/17/16.**

Explain below **why** the plan is being modified:

Fire damage to debtor's house in November 2017 caused a financial setback-debtor is receiving check for repairs

Explain below **how** the plan is being modified:

bring payments current thru february 2018

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☐ NONE

☒ Explain here:

***This plan is a step plan or has lumpsum payments as follows: \$558.00 per month for 10 months, then \$1,069.00 per month for 31 months**

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date **February 1, 2018**

/s/ David Witherespoon

David Witherespoon

Attorney for the Debtor

Date: **February 1, 2018**

/s/ Franchot Persaud

Franchot Persaud

Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date **February 1, 2018**

/s/ David Witherespoon

David Witherespoon

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: **February 1, 2018**

/s/ Franchot Persaud

Franchot Persaud

Debtor

Date: _____

Joint Debtor

Imaged Certificate of Notice Page 7 of 8

United States Bankruptcy Court
District of New JerseyIn re:
Franchot Persaud
DebtorCase No. 15-26707-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 31

Date Rcvd: Feb 05, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 07, 2018.

db +Franchot Persaud, 86 Howard St., Irvington, NJ 07111-3417
 aty +Fuchs Greenberg & Sapin LLC, 35 Journal Square, Ste. 921, Jersey City, NJ 07306-4025
 sp +Lewis Greenberg, Fuchs, Greenberg & Sapin, LLC, 35 Journal Square, Suite 921,
 Jersey City, NJ 07306-4025

515721416 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982235, El Paso, TX 79998)
 515889497 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 515721417 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
 Richmond, VA 23238)

515758391 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 515721418 +Cbna, Po Box 6497, Sioux Falls, SD 57117-6497
 515721419 +Cenlar, PO Box 77404, Trenton, NJ 08628-6404
 515721420 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 515721421 +Debt Recovery Solution, 900 Merchants Concourse, Westbury, NY 11590-5142
 515721423 +Kristina Murtha Esq, 701 Market St-Suite 5000, Philadelphia, PA 19106-1541
 515721424 National Enterprise Systems, 29125 Solon Rd, Solon, OH 44139-3442
 515721425 +New Jersey Anesthesia, PO Box 0037, Florham Park, NJ 07932-0037
 515891475 +New Jersey Housing & Mortgage Finance Agency, Attn: James Robinson-Legal Dept.,
 637 S Clinton Ave., Trenton, NJ 08611-1811

515940061 +New Jersey Housing & Mortgage Finance Agency, c/o Cenlar FSB, 425 Phillips Blvd,
 Ewing, NJ 08618-1430

515843957 #+Porania LLC, P. O. Box 11405, Memphis, TN 38111-0405
 515936397 +Progressive Credit Union, c/o Platzter, Swergold, et al., 475 Park Avenue, 18th Floor,
 New York, New York 10022-2045, Attn: Clifford A. Katz

515721427 +Revenue Recovery Corp, 612 Gay St, Knoxville, TN 37902-1603
 515721429 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of Treasury, Division of Taxation,
 PO Box 245, Trenton, NJ 08695-0245)

515721430 +Trident Asset Manageme, 53 Perimeter Ctr E Ste 4, Atlanta, GA 30346-2287

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 05 2018 23:27:23 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 05 2018 23:27:20 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

cr E-mail/PDF: rmscedi@recoverycorp.com Feb 05 2018 23:30:37 Orion,
 c/o Recovery Management Systems Corp., Attn: Ramesh Singh, 25 SE 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605

515721422 E-mail/Text: cio.bncmail@irs.gov Feb 05 2018 23:26:55 Internal Revenue Service,
 PO Box 21126, Philadelphia, PA 19114

515735224 E-mail/PDF: rmscedi@recoverycorp.com Feb 05 2018 23:30:08 Orion,
 c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605

515918808 E-mail/PDF: rmscedi@recoverycorp.com Feb 05 2018 23:30:08 Orion Portfolio Services LLC,
 c/o Recovery Management Systems Corp, 25 SE 2nd Avenue Suite 1120, Miami FL 33131-1605

517317409 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 05 2018 23:35:55
 Orion Portfolio Services LLC, c/o PRA Receivables Management, LLC, PO Box 41021,
 Norfolk VA 23541-1021

515721426 +E-mail/Text: solorzanon@pims-inc.com Feb 05 2018 23:27:42 Princeton Pathology Services,
 PMB 300, Town Center Plaza, 319 Route 130 N Suite 4, Hightstown, NJ 08520-2735

515789990 +E-mail/Text: dkoshers@progressivecu.org Feb 05 2018 23:27:33 Progressive Credit Union,
 131 W 33rd st #7, New York, NY 10001-2908

515721428 +E-mail/Text: bankruptcy@savit.com Feb 05 2018 23:28:10 Sa-Vit Enterprises, 46 W Ferris St,
 East Brunswick, NJ 08816-2159

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515721431 ##+Verizon, PO Box 33078, Saint Petersburg, FL 33733-8078

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court
 immediately.

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 31

Date Rcvd: Feb 05, 2018

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 07, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 1, 2018 at the address(es) listed below:

Clifford A. Katz on behalf of Creditor Progressive Credit Union ckatz@platzerlaw.com
David Jerome Witherspoon on behalf of Debtor Franchot Persaud daveslaw321@gmail.com,
prissycatina@yahoo.com

Denise E. Carlson on behalf of Creditor New Jersey Housing & Mortgage Finance Agency
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com

Marie-Ann Greenberg magecf@magtrustee.com

Teresa G Sadutto-Carley on behalf of Creditor Progressive Credit Union tsadutto@platzerlaw.com

TOTAL: 5